IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24369 of 2004

Between:

K.K.D.Prasad, S/o. late K.Butchaiah,

Aged about 48 years, Employee,

HAL, Balanagar, Hyderabad-42

..... PETITIONER

AND

1. The Registrar/Commissioner,

A.P.Co-op. Societies, Nampally, Hyderabad

2. District Co-op Officer, Ranga Reddy District,

Samrat Complex, Opp.Reserve Bank of India, Hyderabad.

3. Divisional Co-op.Officer, Hyderabad (West)

Division, R.R. District.

4. Hindustan Aeronautics Employees Co-op. Housing Society Ltd.

TBC 269, Survey No.77, Hafeezpet Village,

Serilingampalli Mandal, Ranga Reddy District,

Rep. by its Managing Committee.

.....RESPONDENT(S)

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents 1 to 3, in not initiating proceedings against the managing committee of the 4th respondent society, for their irregularities, in pursuance of the show cause notice issued by the 2nd respondent Vide R.C.No.118/2001.p dated 11-12-2003, as illegal and consequently direct the respondents 1 to 3, to initiate the proceedings against the managing committee of the 4th respondent society by appointing official person in charge, and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.N.MURTHY

Counsel for the Respondents 1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4 : Mr.D.V.Bhadram

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be the member of the 4th respondent-society. According to him, though the term of the elected committee expired, the members of that committee were being appointed as persons-in-charge. Petitioner made several allegations of mismanagement against some of the members,

and that it is not advisable to continue them as persons-in-charge.

At the stage of admission learned counsel Sri D.V.Bhadram, has taken notice on behalf of the 4th respondent. He has placed before this Court an order dated 27-12-2004, whereunder the Deputy Registrar of Cooperative Societies, had appointed three individuals as persons-in-charge. He has also placed a copy of the proceedings dated 17-12-2004, issued by the District Collector-cum-Election Authority, wherein the elections to the 4th respondent- society were proposed to be held on 30-01-2005.

Heard the learned counsel for the petitioner, learned Government Pleader for Cooperation and Sri D.V.Bhadram, learned counsel for the 4th respondent.

Inasmuch as the elections for the managing committee of the 4th respondent have already been declared and notified, the grievance of the petitioner stands substantially redressed. To ensure fairness and impartiality in the election, particularly having regard to the dissentions among the members, it is directed that the election shall be held completely under the supervision of an official, nominated by the election authority. The committee of persons-in-charge shall handover the

entire record to the person so nominated, and such committee shall not have any role to play in the election.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.29-12-2004

KO

To

1. The Registrar/Commissioner,

A.P.Co-op. Societies, Nampally, Hyderabad

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5. 2 CCs to G.P. for Cooperation, High Court of A.P., High Court Buildings,

Hyderabad (OUT).

6. 2 CD copies.